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S/N 09/905,189

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WEI ET AL.	Examiner:	J. PAK
Serial No.:	09/905,189	Group Art Unit:	1616
Filed:	JULY 13, 2001	Docket No.:	163.1438US01
Confirmation No.:	3059	Customer No.:	23552
Title:	IN SITU MONO- OR DIESTER DICARBOXYLATE COMPOSITIONS		

CERTIFICATE UNDER 37 C.F.R. 1.64(d)

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on May 31, 2005.

By: Sheryl A. Boerboom  
Name: Sheryl A. BoerboomDeclaration of Robert D. P. Hei Under 37 C.F.R. § 1.132Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

1. I, Robert D. P. Hei, am an employee of Ecolab Inc., the assignee of the patent application identified above, and an inventor on the present patent application. I have an undergraduate ACS degree in Chemistry from the University of St. Thomas. I also have a Ph.D. degree in Organic Chemistry from the University of North Dakota. I have published 9 papers in scientific and trade journals. I am an inventor on 45 patents. I also belong to the American Chemical Society and the Society for Applied Spectroscopy.

2. In addition, I have 24 years of experience in research and development in analytical chemistry, spectroscopy, food & beverage businesses, and new technology development/evaluation. In particular, I worked for 9 years developing peroxycarboxylic acid based compositions and methods using them.

3. I have read and understood the Office Action mailed February 8, 2005, for the patent application identified above. The Examiner considers that the Carr et al. reference discloses a composition "free of added strong inorganic acid" because Carr et al. discloses the use of methane sulphonic acid, which the Office Action claims is an organic acid. On this basis the

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Office Action concludes that the Carr et al. reference discloses a composition free of added strong inorganic acid.

4. I respectfully disagree with the Office Action. Methane sulphonic acid is not an "organic acid", particularly not as organic and inorganic acids are disclosed in the specification of the present patent application. Methane sulfonic acid is a strong inorganic acid, and the presently claimed invention is "free of added strong inorganic acid".

5. The specification states that the presently claimed composition should be free of added strong (with pKa's below about 2.0) inorganic acids, including sulfuric acids (page 3, lines 21-22). The present application describes that sulfuric acids (and thus sulfonic acids) are inorganic, with pKa's below about 2.0. The present claims recite a composition "free of added strong inorganic acid." Thus, the presently claimed invention is intended to be essentially free of sulfuric acids and sulfonic acids, such as methane sulfonic acid. In contrast, the Carr et al. reference discloses compositions including a strong inorganic acid (methane sulphonic acid). Therefore, the presently claimed invention is significantly different from the disclosure of the Carr et al. reference because the present claims recite a composition "free of added strong inorganic acid".

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5/27/05  
Date

  
Robert D. P. Hei